

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

---

**MARK J. BACKUS,**

**Petitioner,**

**v.**

**J. NICHOLS, SUPERINTENDENT,**

**Respondent.**

**Civil Action No.  
9:04-CV-356 (TJM/GHL)**

---

**Thomas J. McAvoy, Senior U.S. District Judge**

**DECISION & ORDER**

This *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 was referred to the Hon. George H. Lowe, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.4.

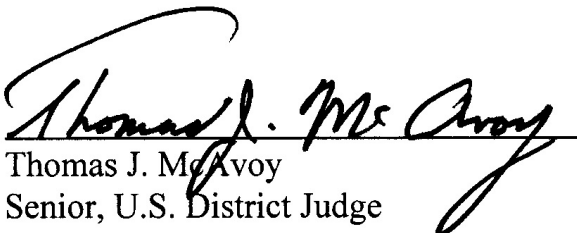
No objections to the Report-Recommendation and Order dated January 8, 2008 have been filed. Furthermore, after examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the recommendations of the Report-Recommendation and Order for the reasons stated therein.

It is therefore

**ORDERED** that the petition for a writ of habeas corpus is **DENIED and DISMISSED.**

**IT IS SO ORDERED.**

Dated: February 12, 2008

  
Thomas J. McAvoy  
Senior, U.S. District Judge